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March 27, 2023

**Via ECF**

The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

Re: Rankine v. Levi Strauss & Co., Case No. 1:22-cv-03362-LTS

Dear Judge Swain:

I represent Plaintiff in the above-captioned action. I write pursuant to Rule 1(a)(i) of Your Honor's Individual Practices to bring to the Court's attention a recent decision denying a motion to certify for interlocutory appeal in the case captioned *Miner-Vargas et al. v. Wal-Mart, Inc.*, Case No. 1:20-cv-00591-TJM-CFH, ECF No. 58 (N.D.N.Y. Mar. 23, 2023).<sup>1</sup> A true and correct copy of the decision is attached hereto as **Exhibit A**.

In denying the defendant's motion, the court in *Wal-Mart* held, "[t]he attack on the reasoning of *Vega* relying on pre-*Vega* decisions does not indicate to the Court that the New York Court of Appeals would revisit the First Department's decision in *Vega*." Exhibit A, at 7; *see also id.* at 11 ("Furthermore, and as relevant to the instant motion, Defendant and *Amici* have failed to establish that there are substantial grounds for difference of opinion as to whether NYLL §191 provides a private right of action and whether NYLL § 198 affords liquidated damages for such a violation.").

Plaintiff respectfully submits the *Wal-Mart* decision further supports denial of Defendant's pending motion to dismiss.

Respectfully,



CC: All counsel of record via ECF

Yitzchak Kopel

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<sup>1</sup> Defendant requested a stay pending the *Wal-Mart* decision in its motion to dismiss. *See* ECF No. 22, at 17-20.